Amendment
Serial No. 10/763,985

Docket 5000-1-507

## REMARKS

Entry of this Amendment and reconsideration are respectfully requested in view of the amendments to the claims and the remarks made herein.

Claims 6, 7, 9,11, 13, and 14 are pending and stand rejected.

Claims 6 and 14 have been amended.

Claim 9 has been cancelled.

1.    Claims 6, 7, 9, 11, 13 and 14 stand rejected under 35 USC §112, first paragraph for claiming subject matter allegedly not disclosed in the written description and, hence, deemed new matter.. The Examiner, in rejecting the claims, states that the original disclosure is not specific with regard to the language of claim 6, which expressly links together the 'assigned storage areas,' 'the address' and the 'MPTS data." The Examiner refers to page 10, line 14-page 11, line 11 and Figure 7 for teaching the switching unit but fails to find the added level of detail that is now recited in claim 6. Examiner further states that the original disclosure teaches an assigned storage area but does not teach a plurality of secondary memory units having instances of these assigned storage areas. The Examiner further states that the original disclosure teaches an address, it does not teach this address being linked to the assigned storage areas. The Examiner further states that the disclosure does not teach this address being dependent upon the MPTS data associated with a corresponding subscriber in the first memory.

Applicant respectfully disagrees and explicitly traverses the reason for the rejection of the claims. However, claim 6 has been amended to more clearly recite that assigned storage areas are within the first memory and associated with subscribers. The subscribers may access data based on an address that defines the assigned storage areas.

Contrary to the Examiner's position, no new matter has been entered as the subject matter of originally filed claim 8, which depends from claim 6, fully supports a plurality of assigned storage areas associated with customers, Figure 7 supports the main memory 71 representing a plurality of subscriber-based memories (assigned storage areas), an address being determined based on the MPTS data and the subscriber accesses the data by the address. (see page 10, line 20 —page 11, line 2 discloses "[a]n area is

5

Amendment
Serial No. 10/763,985                                    Docket 5000-1-507

assigned according to MPTS data inputted to a main memory 71. In order to output a channel required by each of the subscribers 300-1 to 300-n, each of the subscriber-based memories 72-1 to 72-n accesses an address. MPTS data in a channel, required by a subscriber, are assigned to an address. Upon accessing the particular address the stored MPTS data is output").

Applicant submits that the amended claim 6 includes subject matter that is adequately disclosed in the specification and that no new matter has been added.

Applicant respectfully requests that the rejection be withdrawn.

2. With regard to the rejection of claims 6, 7, 9 and 14 under 35 USC 103(a) as being unpatentable over Lang (USP no. 5,835,602) in view of Newton's Telecom Dictionary, 8th ed.), applicant's admitted prior art, Frenzel (Programmable Framer Chip Improves OC-48 Efficiency) and Opalka (USP no. 6,259,699) with further reference to Weik (Fiber Optics Standard Dictionary, applicant respectfully disagrees with and explicitly traverses the rejection of the claims. However, in order to expedite the prosecution of this matter, claim 6 has been amended to further recite that the data in the secondary memory is accessed by the user based on requirements of the user. No new matter has been added. Support for the matter may be found at least on cancelled claim 9. Although this claim has been rejected based on the teachings of Opalka, applicant submits that it will be shown that Opalka fails to disclose the subject matter recited in claim 9.

With regard to the rejection of the subject matter recited in claim 9, the Examiner refers to Opalka teaching that the subscribers access the data through their own port. (see OA, page 8).

Contrary to the Examiner's position, Opalka discloses the connection of the subscriber with regard to the switching unit. However, Opalka fails to disclose that the access is based on requirement of a user to access the data. Hence, while Opalka may disclose how data is accessed, **Opalka fails to disclose when (and how often)** a memory is accessed by a particular user.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met, 1. there must be some suggestion or motivation, either in the references themselves

6

Amendment
Serial No. 10/763,985                                               Docket 5000-1-507

or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings, 2. there must be a reasonable expectation of success; and 3. the prior art reference must teach or suggest all the claim limitations.

In this case, a *prima facie* case of obviousness has not been made as each of the elements recited in the claims is not disclosed by the combination of the primary references.

Applicant submits that for the amendments made to the independent claim and for the remarks made, herein, the reason for the rejection of the remaining claims has been overcome and respectfully requests that the rejection be withdrawn.


3. With regard to the rejection of claims 11 and 13 under 35 USC 103(a) as being unpatentable over Lang in view of RAA6 as applied to the claims above and further in view of Shohet (HDLC framing of Ethernet packet), applicant respectfully disagrees with and explicitly traverses the reason for the rejection.

The aforementioned claims depend from the independent claim and those even if the references were combined as suggested by the Examiner the independent claim 6 recites subject matter not disclosed by Lang and nod of the other references provide any teaching to correct the deficiency found to exist in Lang.

7

Amendment
Serial No. 10/763,985

Docket 5000-1-507

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references.    A Notice of Allowance is respectfully requested.

Respectfully submitted,
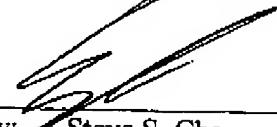
Date:  March 31, 2008

By:        Steve S. Cha
Attorney for Applicant
Registration No. 44,069

Steve S. Cha, Reg. No. 44,069
Cha & Reiter, LLC
210 Route 4 East, #103
Paramus, NJ 07652
Telephone:  (201) 226-9245
Facsimile:  (201) 226-6246

SC/cg

8